

**MEMO ENDORSED**

7/14/06

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE BAYOU HEDGE FUND INVESTMENT  
LITIGATION

THIS DOCUMENT RELATES TO:

DEPAUW UNIVERSITY,

Plaintiff,

vs.

HENNESSEE GROUP LLC,  
CHARLES GRADANTE and  
E. LEE HENNESSEE,

Defendants.

TO: David Herzog  
Baker & Daniels  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
Attorneys for Plaintiff Depauw University

SIRS:

PLEASE TAKE NOTICE that on the Declaration of Charles Gradante, the documents attached thereto and accompanying Brief, the undersigned, attorneys for Defendants, Hennessee Group LLC, Charles Gradante and E. Lee Hennessee, will move this Court before the Honorable Colleen McMahon, U.S.D.J. at the United States District Court for the Southern District of New York located at 300 Quarropas Street, White Plains, New York, at a time and date convenient to the Court, for an Order compelling arbitration of all of Plaintiff's claims against the Defendants

*Motion granted  
on consent - 1  
is stayed*

06 MD 1755 (CM)

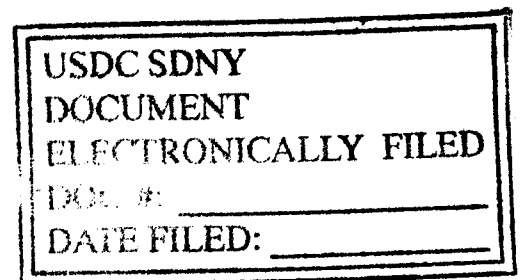
*pending  
arbitration*

No.: 06-cv-03028 (CM)

*Colleen  
McMahon*

NOTICE OF MOTION  
TO STAY THIS PROCEEDING  
AND COMPEL ARBITRATION  
OF PLAINTIFF'S CLAIMS

Electronically Filed

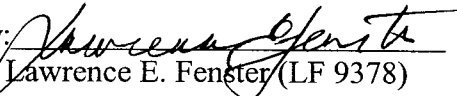


pursuant to Section 4 of the Federal Arbitration Act ("FAA") and staying the litigation of Plaintiff's claims against Defendants pending the completion of the arbitration proceeding pursuant to Section 3 of the FAA.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested.

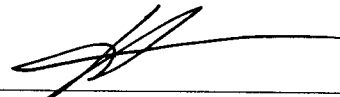
Dated: May 31, 2006

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Attorneys for Defendants  
Hennessee Group LLC,  
Elizabeth Lee Hennessee and  
Charles Gradante

By:   
Lawrence E. Fenster (LF 9378)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2006, a copy of the *Notice of Motion, to Stay This Proceeding And Compel Arbitration of Plaintiff's Claims* was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

A handwritten signature in black ink, appearing to read 'Matthew C. Plant', is written over a horizontal line.

Matthew C. Plant (MP 0328)